

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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MICHAEL MEYERS, *et al.*,

*Plaintiffs,*

v.

BHI ENERGY SERVICES, LLC, *et al.*,

*Defendants.*

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Lead Case No. 1:23-cv-12513-LTS

**DEFENDANTS' MOTION TO DISMISS  
PLAINTIFFS' CONSOLIDATED CLASS ACTION COMPLAINT**

Defendants BHI Energy Services, LLC and BHI Energy I Specialty Services LLC (collectively, "Defendants") hereby move, pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss the Consolidated Class Action Complaint filed by Plaintiffs Michael Meyers, Daniel Muske, Gary Kaplan, Kim Wever, Joshua Pyfrom, Richard Deschamps, Lashawntae Washington, and Ted Melton (collectively, "Plaintiffs"). In support of this Motion, Defendants rely upon the contemporaneously filed Memorandum in Support and the Declaration of Robert W. Sparkes, III.

**WHEREFORE**, Defendants respectfully request that the Court: (1) grant this Motion to Dismiss Plaintiffs' Consolidated Class Action Complaint; (2) dismiss all claims alleged in Plaintiffs' Consolidated Class Action Complaint with prejudice; and (3) provide any such further relief as the Court deems just and proper.

**REQUEST FOR ORAL ARGUMENT**

Defendants respectfully request a hearing on their Motion to Dismiss Plaintiffs' Consolidated Class Action Complaint

Dated: January 29, 2024

Respectfully submitted,

DEFENDANTS BHI ENERGY SERVICES,  
LLC AND BHI ENERGY I SPECIALTY  
SERVICES LLC,

By their Attorneys,

/s/ Robert W. Sparkes, III

Robert W. Sparkes, III, (BBO # 663626)

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**LOCAL RULE 7.1(a)(2) CERTIFICATION**

I, Robert W. Sparkes, III, hereby certify that counsel for Defendants BHI Energy Services, LLC and BHI Energy I Specialty Services LLC conferred with counsel for Plaintiffs and attempted in good faith to resolve or narrow the issues presented by this Motion. The parties were unable to resolve or narrow the issues presented by this Motion.

/s/ Robert W. Sparkes, III

Robert W. Sparkes, III

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on January 29, 2024.

/s/ Robert W. Sparkes, III

Robert W. Sparkes, III